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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JULIAN RODRIGUEZ,

12 Plaintiff,

13 v.

14 B. SCNUMMAN,

15 Defendants.
16

No. 2:21-cv-01511 TLN KJN P

ORDER

17 Plaintiff, a former state prisoner proceeding pro se, filed this civil rights action seeking
18 relief under 42 U.S.C. § 1983. Defendant's motion to compel discovery and motion to modify
19 the scheduling order are before the court. As set forth below, defendant's motions are granted.

20 Background

21 On February 2, 2022, the undersigned recommended that this action be dismissed based
22 on plaintiff's failure to prosecute this action. On February 22, 2022, plaintiff's address was
23 updated due to a change of address filed in his other case, 2:20-cv-1525 JDP. The change of
24 address reflected that plaintiff had been released from prison and now apparently resides in
25 Mazatlan, Mexico.

26 On March 22, 2022, the court issued a discovery and scheduling order. On June 27, 2022,
27 defendant filed a motion to compel discovery, and a motion to modify the scheduling order.

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1 Change of Address

2 As plaintiff was previously informed (ECF No. 20), plaintiff is required to inform the
3 court of any address change. Local Rule 183(b). Plaintiff is required to file a separate notice of
4 change of address in each court case so that all parties and the court are kept informed of
5 plaintiff's current address. Failure to do so will result in the dismissal of an action. Because
6 plaintiff's change of address was noted in this case, the findings and recommendations are
7 vacated. But plaintiff is reminded of his obligation to notify the court of changes to his address in
8 this case.

9 Motion to Compel Discovery

10 Defendant seeks a court order requiring plaintiff to respond to defendant's discovery
11 requests. As included in defendant's notice, plaintiff's opposition, if any, is due twenty-one days
12 from the date of service of the motion. Local Rule 230(l). Given plaintiff's residency in Mexico,
13 plaintiff is granted sixty days from the date of this order to respond to defendant's motion to
14 compel.

15 Plaintiff is cautioned that he is required to cooperate in discovery. Failure to cooperate in
16 discovery may result in the imposition of sanctions, including, but not limited to, a
17 recommendation that this action be dismissed. See Fed. R. Civ. P. 37(b)(2)(A) (sanctions may be
18 imposed for failure to comply with a discovery order); Fed. R. Civ. P. 37(d)(3) (sanctions may be
19 imposed for failure to serve answers to interrogatories or to respond to request for production of
20 documents). Thus, plaintiff would be well-advised to respond to defendant's discovery requests
21 along with his opposition to the motion to compel.

22 Motion to Modify Scheduling Order

23 Finally, in light of the pending motion to compel, defendant seeks to vacate the scheduling
24 deadlines pending resolution of the pending motion. Defendant's effort to meet and confer with
25 plaintiff by letter was unsuccessful. With the August 1, 2022 discovery deadline approaching, it
26 is unlikely the court will have time to rule, and defendant will not have sufficient time to
27 complete discovery. Good cause appearing, defendant's motion to modify is granted. The
28 deadlines to complete discovery and file dispositive motions are vacated and will be reset, if

appropriate, after the defendant's motion to compel is resolved.

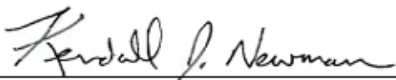
Accordingly, IT IS HEREBY ORDERED that

1. The February 2, 2022 findings and recommendations (ECF No. 20) are vacated;

2. Plaintiff is granted sixty days from the date of this order in which to file his opposition to the motion to compel discovery. Plaintiff is cautioned that failure to oppose the motion will result in a recommendation that this action be dismissed for failure to cooperate in discovery.

3. Defendant's motion to vacate the deadlines for discovery and pretrial motions (ECF No. 24) is granted; such deadlines will be reset, if appropriate, following resolution of defendant's motion to compel discovery.

Dated: June 29, 2022


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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